REMARKS

The Examiner is thanked for the thorough examination of this application. The Office Action, however, rejected claims 1-7 under 35 U.S.C. § 101, as allegedly claiming the same invention as that of claims 13-17 of co-pending application serial number 10/079,667. The Office Action also rejected claims 8-23 under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent 6,466,219 to Shino (hereafter Shino).

Discussion of Claim Rejections

Double Patenting Rejection

The Office Action provisionally rejected claims 1-7 under 35 U.S.C. § 101, as allegedly claiming the same invention as that of claims 13-17 of co-pending application serial number 10/079,667. Applicant respectfully traverses this rejection.

A statutory-type double patenting rejection is proper only when the alleged conflicting claims are coextensive in scope. To be co-extensive in scope, the language must be identical. The Office Action stated that it could not identify any difference between claim 1 of the present application and claim 13 of co-pending application Ser. No. 10/079,667. Each of these claims has been set our below in a table for direct comparison. For the Examiner's convenience, the undersigned has underlined areas of difference.

Claim 1 of Present Application	Claim 13 of Ser. No. 10/079,667
1. A graphics system for processing pixel data associated with a predetermined pixel region comprising: memory; controller configured to identify pixel data associated with a predetermined pixel region that is to be stored to said memory, <u>and to associate a predetermined reference pixel with said pixel region</u>; and said controller is further configured to store pixel data <u>representing values of said predetermined reference pixel</u> to said memory and to set a fill check-bit associated	13. A graphics system for processing pixel data associated with a predetermined pixel region comprising: memory; controller configured to identify pixel data associated with a predetermined pixel region that is to be stored to said memory; and said controller is further configured to <u>associate a reference pixel with said pixel region and to</u> store pixel <u>data representative of said reference pixel</u> to said memory and to

with said pixel region where the values of all pixels within said pixel region are the same <u>as said data representing said predetermined</u> reference pixel.	set a fill check bit associated with said pixel region where the values of all pixels within said pixel region are the same <u>as the value of said pixel data representative of said</u> reference pixel.

The undersigned acknowledges that there is significant commonality between the two claims, for that reason submits that an <u>obviousness-type</u> double-patenting rejection may be in order. However, even slight differences between the claims should prevent the application a statutory double-patenting rejection. In this regard, the Doctrine of Claim Differentiation signifies that even minor differences in claims in the same application or patent should be presumed to cover different inventions or a different scope of the same invention. *The Laitram Corp. v. Rexnord Inc.*, 19 U.S.P.Q. 2d 1367, 1371 (Fed. Cir. 1991).

With regard to claims 1-7, Applicant respectfully submits that the claims, while similar to claims 13-17 of co-pending application serial number 10/079,667, they are not identical and consequently are not co-extensive in scope. For at least this reason, the provisional double patenting rejection should be withdrawn.

Rejections of claims 8-20

The Office Action rejected claim 8-23 as allegedly anticipated by U.S. Patent 6,466,219 to Shino. For at least the reasons set out below, Applicant respectfully disagrees.

Claim 8 recites:

> 8.   A graphics system for processing pixel data that is associated with a predetermined pixel region, the system comprising:
>   memory;
>   *controller configured to check a fill check bit that is associated with a pixel region, to determine whether it is set to indicate that all pixel data within said pixel region is the same as a predetermined reference pixel that is associated with said pixel region; and*
>   *said controller is further configured to retrieve said reference pixel data from said memory and write said reference pixel data to a sequential block of memory associated with said pixel region for each*

pixel within said pixel region, where said fill check bit indicates that all pixel data within said pixel region is the same as said reference pixel data.

(*Emphasis added.*) Claim 8 patently defines over the cited art for at least the reason that the cited art fails to disclose or teach the features emphasized above.

Among other features, claim 8 specifically claims "a controller configured to check a fill bit that is associated with the pixel region, to determine whether it is set to indicate <u>all pixel data within said pixel region is the same as a predetermined reference pixel</u> that is associated with said pixel region." Claim 8 further requires that "Said controller is further configured to retrieve said reference pixel data from said memory and write said reference pixel data to a sequential block of memory associated with said pixel region <u>for each pixel within said pixel region, where said fill check bit indicates that all pixel data within said pixel region is the same as said reference pixel data.</u>" Simply stated, the Shino reference does not teach the above claimed features. The Office Action sets forth its rejection in a paragraph that spans pages 3 and 4 of the Office Action. This paragraph sets forth a somewhat omnibus rejection covering claims 8, 9, 21, and 22. Unfortunately, the Office Action has not clearly applied the teachings of the cited reference with each of these claims individually, resulting in a rejection that is somewhat unclear. Nevertheless, the undersigned has closely reviewed the rejection and found that the teachings recited therein fall short of disclosing the claimed subject matter.

With regard to the claimed features, emphasized above, the Office Action states "Each bit of the valid flag btrvld indicates a logical value "0" (check bit is set) when masking the corresponding memory region (when not performing re-write) (which implies pixel region is the same), while indicates a logical value "1" (check bit cleared) when not masking (when performing re-write)." (citing column 16, lines 15-27). In this rejection, the cited teaching is indicating whether to perform a re-write of a memory region. As noted by the examiners' interpretation in the rejection, a logical value of "0" implies the pixel <u>region</u> is the same, so that

a re-write (of the region) is not performed. However, this is quite different than the relevant feature of claim 8, in which a fill check bit that is associated with a pixel region indicates that all pixel data within the pixel region is the same as the predetermined reference pixel. Stated another way, the teaching of Shino, as interpreted by the examiner, includes a flag that indicates whether a region of pixels contain the same value as a previous time or instance, in which case a re-write of that region of pixels is not performed. In contrast, the claimed feature of claim 8 defines that a "fill check bit" that indicates that all pixels within a given region are the same value. For at least this reason, the rejection of claim 8 is misplaced and should be withdrawn.

In addition, claim 8 defines "reference pixel data" which is a value that is stored for "each pixel within said pixel region." No such comparable teaching is provided or disclosed within the Shino patent. For at least this additional reason, the rejection of claim 8 is misplaced and should be withdrawn. The foregoing distinctions are confirmed by the language of dependent claim 9 which clarifies that "said fill bit indicates that all pixels within said region are not the same as said predetermined reference pixel."

For at least the foregoing reasons, independent claim 8 patently defines over the cited teachings of Shino, and the rejection of claim 8 should be withdrawn. Claims 9-20 each depend from claim 8 and define over the cited teachings of Deming for at least the same reasons.

Rejections of claims 21-23

The Office Action rejected claim 21-23 as allegedly anticipated by U.S. Patent 6,466,219 to Shino. The Office Action set forth the same basis of rejection that was used for claim 8 (in fact, the same paragraph was used in rejected all of these claims). For at least the reasons set out below, Applicant respectfully disagrees.

Independent claim 21 recites:

> 21.   A method of processing pixel data associated with a predetermined pixel region, said method comprising the steps of:
> identifying all pixel data associated with a predetermined pixel region to be stored to memory;
> associating a predetermined reference pixel with said pixel region;
> storing pixel data for said reference pixel to memory; and
> *setting a fill check bit associated with said pixel region to indicate that the values of all pixels within said pixel region are the same as said predetermined reference pixel.*

(*Emphasis added.*) Claim 21 patently defines over the cited art for at least the reason that the cited art fails to disclose or teach the features emphasized above.

Among other features, independent claim 21 recites "setting a fill check bit associated with said pixel region to indicate that the values of all pixels within said pixel region are the same as said predetermined reference pixel." The Office Action does not point to a particular teaching of Shino that teaches the "setting" of the valid flag. Instead, it appears that the Office Action is relying on the setting of the flag as being inherent (as some mechanism apparently sets the flag). As noted above in connection with claim 8, the Shino reference fails to teach or disclose the feature of "the values of all pixels within said pixel region" being "the same as said predetermined reference pixel." For at least this reason, the rejection of claim 21 is misplaced and should be withdrawn.

Likewise, claim 22 recites "checking a fill bit associated with said pixel region to determine whether it is set to indicate that all pixel data within said pixel region is the same as a predetermined reference pixel associated with said pixel region." Again (for the same reason discussed in connection with claim 8), this feature is neither taught nor disclosed in Shino, and the rejection of claim 22 should be withdrawn. Claim 23 depends from claim 22, and the rejection of claim 23 should be withdrawn for at least the same reason.

Allowable Subject Matter

In view of the MPEP's admonition against piecemeal examination of applications (see MPEP 707.07(g)), Applicant presumes that the Examiner has advanced "all valid grounds available" in the rejections of the present Office Action. Therefore, since no art-based rejections were advanced against claims 1-7, and since Applicant has addressed the double patenting rejections of claims 1-7, these claims are believed to be in condition for allowance. Should any rejection be advanced against these claims, or should any new rejection be advanced against claims 8-11, in an ensuing Office Action, any such Office Action should be made non-Final.

In addition to the foregoing, Applicant notes that independent claim 1 (in addition to other features) specifically recites a "controller ... configured to set a fill check-bit associated with said pixel region where the values of all pixels within said pixel region are the same as the data representing said predetermined reference pixel." This element, defines claim 1 over the cited art of record for reasons similar to those set forth above in connection with claim 8.
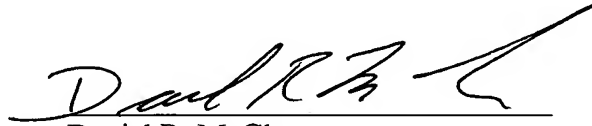
Cited Art Made of Record

The cited art made of record but not relied upon has been considered, but is not believed to impact the patentability of the presently pending claims.

CONCLUSION

Applicants respectfully submit that all claims are now in proper condition for allowance, and respectfully request that the Examiner pass this case to issuance. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

No fee is believed to be due in connection with this Amendment and Response to Office Action. If, however, any fee is deemed to be payable, you are hereby authorized to charge any such fee to Hewlett-Packard Company's Deposit Account No. 08-2025.

Respectfully submitted,

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